

**R277. Education, Administration.**

**R277-108. Annual Assurance of Compliance by Local School Boards.**

**R277-108-1. Definitions.**

A. "Annual assurance letter" means a letter required annually from each local school board by the Board to be received no later than October 1 of each year that provides the required compliance information and documentation, if directed, for identified programs and funds.

B. "Board" means the Utah State Board of Education.

C. "USOE" means the Utah State Office of Education.

**R277-108-2. Authority and Purpose.**

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board; Section 53A-1-401(3) which permits the Board to adopt rules in accordance with its responsibilities and allows the Board to interrupt disbursements of state aid to any district which fails to comply with rules adopted in accordance with the law.

B. The purpose of this rule is to provide local school boards with a list of laws requiring local school board action and a means of assuring that local boards are in compliance.

**R277-108-3. Board/USOE Responsibilities.**

A. The Board shall provide to school district superintendents, the superintendent for the Utah School for the Deaf and the Blind and charter school governing boards a list of laws and a list of State Board of Education Administrative Rules which require action or compliance by June 30 of each year.

B. The list shall identify laws and rules along with required compliance dates and reporting forms, if different or necessary than or in addition to the annual assurance letter.

C. The Board shall consolidate all required reporting and compliance forms and provide for electronic reporting, to the extent possible.

**R277-108-4. Local Board and Identified School Responsibilities.**

A. Local Boards shall submit the required Annual Assurance Letter(s) and other compliance forms on or before dates identified by the Board.

B. In the event that a local school board is unable to provide required assurances, compliance information or forms by required dates, the local school board shall provide to the USOE a written explanation of the local school board's inability and provide a compliance date. The request for delay in providing the assurance shall be reviewed by the Board or its designee and accepted or rejected in a timely manner.

**R277-108-5. Assurances.**

A. Each local school board and charter school governing board

shall provide, consistent with state law, written assurance of the following:

(1) the National motto is displayed in schools consistent with Section 53A-13-101.4(6);

(2) the Pledge of Allegiance is recited in public schools consistent with Section 53A-13-101.6;

(3) a policy has been developed, in consultation with school personnel, parents, and school community, to provide for effective implementation of student education plans/student education occupation plans (SEPs/SEOPs) consistent with Section 53A-1a-106(2)(b);

(4) a plan is in place for the expenditure of Interventions for Student Success Block Grant Program funds consistent with Section 53A-17a-123.5;

(5) a policy has been developed for Quality Teaching Block Grant Program consistent with Section 53A-17a-124;

(6) a policy has been developed on education association leave consistent with Section 53A-3-425;

(7) each public school within the district has established a community council consistent with Section 53A-1a-108, and the community council members have been advised of their responsibilities consistent with Sections 53A-1a-108 and 53A-1a-108.5;

(8) the local school board has provided the USOE with required Utah Performance Assessment System for Students (U-PASS) test results in order for the USOE to fulfill the requirements of 53A-1-605;

(9) the district does not make payroll deductions from the wages of its employees for political purposes consistent with Section 34-32-1.1(2);

(10) the local school board has implemented a training program for school administrators consistent with Section 53A-3-402(1)(f);

(11) the local school board has an educator evaluation program developed by a joint committee including classroom teachers, parents and administrators consistent with Section 53A-10-103;

(12) the local school board or charter school governing board has presented and implemented an electronic device policy consistent with the timelines and provisions of R277-495;

(13) the school district or charter school has posted collective bargaining agreement(s) on the school district or charter school website within ten days of the ratification or modification of any collective bargaining agreement consistent with Section 53A-3-428; and

(14) by May 15, 2010, the school district or charter school has posted certain public financial information on the school district or charter school website consistent with Sections 63A-3-401 through 63A-3-404.

B. Letters from local school boards assuring compliance with the laws above are due to the State Superintendent of Public Instruction no later than October 1 of each year.

**R277-108-6. Penalties for Noncompliance.**

A. The Board shall request written explanation(s) from local school boards and identified schools that fail to meet reporting and compliance deadlines.

B. Following an opportunity to provide explanations and request delays, local school boards and identified schools shall be notified of penalties assessed by the Board against the local school boards.

C. Penalties may include:

- (1) warning letters;
- (2) letters of reprimand sent to the local school board with copies to appropriate Legislative committees;
- (3) charter school review under R277-481; or
- (4) interruption of monthly transfers of funds specified for administrative costs under Section 53A-17a-108, interruptions of disbursement of state aid under Section 53A-1-401(3) or withholding of specific program funds.

**R277-108-7. Record Retention.**

Letters of Assurance, as required by the Board, shall be kept on file at the USOE for five years, together with letters of explanation and documentation of penalties, as directed by the Board.

**KEY: local school boards, compliance**

**Date of Enactment or Last Substantive Amendment: August 7, 2009**

**Notice of Continuation: October 5, 2007**

**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-6-702; 53A-1-401(3)**